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REMARKS

The present invention as recited in claim 1 as originally filed recites a band including rubber yarn woven together with the split compound yarn. The Examiner concedes that although disclosing a woven band, Greenberg does not suggest the use of either rubber yarn or split compound yarn, the two recited elements of the claims. The Examiner then reconstructs the present invention using Greenberg which admittedly does not suggest the construction of the present invention. Specifically, although the use of rubber yarn is known in wristbands and headbands (see page 1, lines 8 and 9 of the present application), the prior art lacks any suggestion that split compound yarn can be utilized to fabricate bands in a manner as the present invention. The applicant does not contend to be the first to invent split compound yarn per se. However, the mere existence of split compound yarn per se does not result in it being a "selection" available to a person designing in the field of the present invention as the Examiner appears to contend. In particular, it is respectfully requested that the Examiner identify where the prior art would provide a suggestion to a person skilled in the art to attempt to modify Greenberg in a manner to reconstruct the present invention. Thus, it is believed that the rejection of the claims has been overcome.

However, in a spirit of conciliation to advance prosecution of the present application, claim 1 has been amended to further define the present invention in a manner to distinguish over the prior art. Thus, the rejection of claim 1 and the claims which depend therefrom has been overcome for this separate and independent reason.

Rather than argue whether recitations directed to methods of splitting are given weight in product claims, claims 2-16, 19 and 20 have been rewritten as method claims. As the Examiner does not appear to contend that the method of production as recited is suggested by the prior art, it is respectfully submitted that claim 4 and the claims which depend therefrom are in condition for allowance. Such favorable action is respectfully requested.

By the lack of application of other references within the classes or subclasses searched like the references cited, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicant's wristbands and headbands which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner, whether

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those references are taken singly or in any combination, the Examiner is requested to allow claims 1, 2, 4, 7-22, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

Leo Jaw



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